

PTO/SB/64 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

Dewberry 1

First named inventor: Dewberry, James Arthur

Application No.: 09/870,895

Art Unit 3617

Filed: 05/31/01

Examiner: Robert J. McCarry, Jr.

Title: Advertising golf ball tray unit for golf driving ranges & courses

Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.The above-identified application became abandoned for failure to file a timely and proper reply to a
notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the
expiration date of the period set for reply in the Office notice or action plus an extensions of time
actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee.

☒ Small entity-fee \$ 640 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of response to non-final Office Action (identify type of reply):

- ☐ has been filed previously on _____
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comments on
the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC
20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

08/08/2003 AWONDAF1 00000023 09870895

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640.00 OP

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AUG 08 2003

OFFICE OF PETITIONS

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

July 27, 2003

Date


Signature

Telephone
Number:

Donald E. Hayes, Jr.

Typed or printed name

3097 Wembley Ridge

Address

Enclosures: ☒ Fee Payment

Atlanta, GA 30340

☒ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☒ Other: Power of Attorney

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box DAC, Washington, D.C. 20231.

☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 308-6916.

Date


Signature

Donald E. Hayes, Jr.

Type or printed name of person signing certificate



IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s): J. A. Dewberry

Case: Dewberry 1

Serial No.: 09/870,895

Group Art Unit: 3617

Filing Date: May 31, 2001

Examiner: Robert J. McCarry, Jr.

Title: Advertising golf ball tray unit for golf driving ranges and courses

ASSISTANT COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

SIR:

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

This Petition for Revival is in response to the Notice of Abandonment dated February 20, 2003 and the Office Actions dated July 26, 2002 and September 18, 2002 (wherein the attempted response by the pro se inventor was considered Non-Compliant under 37 CFR 1.121).

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OFFICE OF PETITIONS

In full compliance with USPTO requirements, the following items accompany this Petition for Revival:

- 1) Petition Fee of \$640, as set forth in 37 CFR 1.27;
- 2) A Response, including Amendments to the body and claims of the application;
- 3) Statement that the delay was unintentional, see item number 4 on page 2 of the attached form PTO/SB/64.

No Terminal Disclaimer is needed since the present application is a utility application filed after June 8, 1995.

In addition to the Statement of unintentional delay referenced above and included herein, a few relevant facts are presented to further assist you in justifying the grant of this petition. This patent application was originally filed, and initially prosecuted pro se, by an inventor with no patent experience. In fact, it was filed with no Detailed Description at all. After several communications between the inventor and the Examiner, the inventor was surprised, and somewhat confused, by a notice from the USPTO indicating that his application had been abandoned.

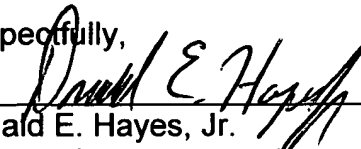
Sometime about April, I think, the inventor was able to get copies of all of the papers involved in his case from the USPTO and essentially create a complete a file history. The inventor solicited my advice and assistance regarding his options. Upon review of the materials, it was decided that instead of filing another application, the current application could be revived and the necessary amendments presented to prefect the original application and prosecute it through to issuance.

While admittedly a couple of months have passed since the recreation of the inventor's file, it is directly stated here that the delay was unintentional. There is nor has been any attempt whatsoever to adversely affect the patent process, but instead merely time to thoughtfully and diligently consider available options and act in the inventor's best interest.

Thanks in advance for your favorable consideration of this Petition for Revival of an Application for patent abandoned unintentionally under 37 CFR 1.137(b).

Respectfully,

By


Donald E. Hayes, Jr.

Attorney for Applicant(s)

Reg. No. 33,245

404-219-8228

Date: July 27, 2003
3097 Wembley Ridge
Atlanta GA 30340

NOTICE OF FEE

DATE: 08-07-03TO: DAE

FROM: Office of Initial Patent Examination

SUBJECT: Fee Due

APPLICATION NUMBER: 09 870 895

A fee is due for the attached document submitted to the U. S. Patent and Trademark Office for the following reason. Please check the application for the appropriate authorization to charge a deposit account. If an authorization is present, please charge the appropriate fee. If an authorization is not present, notify the applicant of the fee deficiency.

☒ Insufficient fee by check☐ Insufficient funds in deposit account☐ Declined credit card☐ Non authorization for charge to deposit account☐ No fee submitted per requirementThe correct fee code: 2453 amount \$ 650The suspended fee code: 1999 amount - \$ 640Fee Due amount =\$ 10

If you have any questions, please contact Cynthia Streater at 703-306-5430 or Eleanor Kurtz at 703-308-3642.

Terminal Operator Abellog